

1 BILAL A. ESSAYLI  
2 Acting United States Attorney  
3 CHRISTINA T. SHAY  
4 Assistant United States Attorney  
5 Chief, Criminal Division  
6 JONATHAN GALATZAN  
7 Assistant United States Attorney  
8 Chief, Asset Forfeiture & Recovery Section  
9 JAMES E. DOCHTERMAN (Cal. Bar No. 256396)  
10 Assistant United States Attorney  
11 Asset Forfeiture & Recovery Section  
12 312 North Spring Street, 11th Floor  
13 Los Angeles, California 90012  
14 Telephone: (213) 894-2686  
15 Facsimile: (213) 894-6269  
16 E-mail: James.Dochterman@usdoj.gov

17 Attorneys for Plaintiff  
18 UNITED STATES OF AMERICA

19  
20 UNITED STATES DISTRICT COURT  
21 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
22  
23 WESTERN DIVISION

24 UNITED STATES OF AMERICA

25 Case No. 2:25-cv-04631-SB-MAR

26 Plaintiff,

27 v.

28 VIRTUAL CURRENCY AND  
\$2,061,517.68 IN U.S. CURRENCY,

Defendants.

**EX PARTE APPLICATION FOR  
ORDER APPOINTING FEDERAL  
BUREAU OF INVESTIGATION AS  
SUBSTITUTE CUSTODIAN FOR  
DEFENDANT VIRTUAL  
CURRENCY IN PLACE OF THE  
U.S. MARSHALS SERVICE;  
MEMORANDUM OF POINTS AND  
AUTHORITIES**

Pursuant to Supplemental Rule E(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions and Local Rule E.14(a) of the Rules for Admiralty and Maritime Claims, plaintiff United States of America hereby respectfully applies for an order appointing the Federal Bureau of Investigation as the substitute custodian for the defendant Virtual Currency in place of the United States Marshals Service. This application is based on the attached Memorandum of Points and Authorities and the pleadings and file in this case.

DATED: August 14, 2025

Respectfully submitted,

BILAL A. ESSAYLI  
Acting United States Attorney  
CHRISTINA T. SHAY  
Assistant United States Attorney  
Chief, Criminal Division  
JONATHAN GALATZAN  
Assistant United States Attorney  
Chief, Asset Forfeiture & Recovery  
Section

*/s/ James E. Dochterman*  
JAMES E. DOCHTERMAN  
Assistant United States Attorney

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

1                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2                   Plaintiff United States of America (“plaintiff” or the “government”) seeks an  
3 order appointing the Federal Bureau of Investigation (“FBI”) as the substitute  
4 custodian of the defendant Virtual Currency in place of the United States Marshals  
5 Service (“USMS”).

6                   Local Rule E.14(a) of the Rules for Admiralty and Maritime Claims  
7 provides, in pertinent part,

8                   When . . . property is brought into the Marshal's custody by arrest or  
9 attachment, the Marshal shall arrange for adequate safekeeping . . . .  
10                  A substitute custodian in place of the Marshal may be appointed by  
11                  order of the Court.[<sup>1</sup>]

12                 (Emphasis added.) Likewise, Supplemental Rule E(4)(b) of the Supplemental  
13 Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions states, in  
14 relevant part:

15                 If tangible property is to be attached or arrested, the marshal *or other*  
16 *person or organization having the warrant* shall take it into the  
17 marshal's possession for safe custody. If the character or situation of  
18 the property is such that the taking of actual possession is  
19 impracticable, the marshal *or other person executing the process* shall  
20 affix a copy thereof to the property in a conspicuous place and  
21 leave a copy of the complaint and process with the person having  
22 possession or the person's agent.

23                 (Emphasis added.)

24  
25  
26  
27                 <sup>1</sup> “A substitute custodian is held to the same standard of care as the USMS,  
28 which is essentially a reasonable standard of care.” *See Scotiabank de Puerto Rico*  
*v. M/V Atuti*, 326 F.Supp.2d 282, 284 (D. Puerto Rico 2004).

1 In forfeiture actions, the arrest warrant may be delivered to, and process may be  
2 executed by, “any officer or employee of the United States.” Supplemental Rules  
3 B(1)(d)(ii)(D) and C(3)(b)(ii)(D).

4 The Asset Forfeiture Policy Manual (2006), Ch. 5, Sec. I(A) and (B)  
5 (footnotes omitted), provides.

6 The USMS has primary authority over the management and  
7 disposal of seized assets in its custody that are subject to forfeiture or  
8 are forfeited under laws enforced by agencies within the Department  
9 of Justice as well as certain other federal agencies by agreement.  
10 Arrangements for property services or commitments pertaining to the  
11 management and disposition of such property are the responsibility of  
12 the USMS.  
13

14 . . .  
15 Management and disposal of assets seized by agencies within the  
16 Department of Treasury and other agencies included by agreement  
17 (including certain agencies moved from Treasury to the Department  
18 of Homeland Security) are handled by property custodians (generally  
19 contractors) operating under Treasury guidelines.

20 Here, the seizing and investigating agency is the FBI and is the custodian of  
21 the defendant Virtual Currency. Accordingly, the USMS is not the custodian of  
22 the defendant Virtual Currency.  
23 //  
24 //  
25 //

For these reasons, the government respectfully requests that the Court appoint the FBI as the substitute custodian in place of the USMS for the defendant Virtual Currency.

DATED: August 14, 2025

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Assistant United States Attorney  
Chief, Asset Forfeiture & Recovery  
Section

/s/ James E. Dochterman  
JAMES E. DOCHTERMAN  
Assistant United States Attorney

Attorneys for Plaintiff  
UNITED STATES OF AMERICA